



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

www.judiciary.house.gov

News Advisory

For immediate release
May 25, 2005

Contact: Jeff Lungren/Terry Shawn
202-225-2492

PATRIOT Act Hearing Thursday

***Focus: National Security Letters, Extraterritorial Jurisdiction,
and Material Witnesses***

What: Oversight Hearing on Law Enforcement Authorities for the War on Terror
Who: Subcommittee on Crime, Terrorism, and Homeland Security – Rep. Howard Coble (R-N.C.), Chairman
When: 9:30 a.m., Thursday, May 26, 2005
Where: 2141 Rayburn Building

Thursday's hearing will cover a number of law enforcement authorities for the War on Terror. These authorities are not subject to sunset at the end of 2005.

BACKGROUND...

- ✓ **National Security Letter (NSL)** – an administrative subpoena that can be used only in international counterterrorism or foreign counterintelligence investigations. An administrative subpoena allows the FBI to request documents or testimony without prior approval from a grand jury, court, or other judicial entity. NSLs cannot be used in criminal investigations unrelated to international terrorism or clandestine intelligence activities.
- ✓ **Extraterritorial Jurisdiction** – occurs when Federal law applies overseas to U.S. citizens and U.S. foreign nationals when there is some nexus to the U.S.
- ✓ **Material Witness** – allows a magistrate judge to issue an arrest warrant for an individual to be detained if his or her testimony is material to a criminal proceeding and the witness is judged to be a flight risk. A material witness may not be detained if his testimony can be adequately secured by deposition and further detention is not necessary to prevent a failure of justice.

WITNESSES: Mr. Chuck Rosenberg, Chief of Staff to Deputy Attorney General; Mr. Matthew Berry, Counselor to Assistant Attorney General; Mr. Greg Nojeim, Acting Director, Washington Office, American Civil Liberties Union; and Mr. Shayana Kadidal, Staff Attorney, Center for Constitutional Rights.

#####